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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,693	09/13/2003	James F. McNulty JR.	JMC-14	9772

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EXAMINER

RICHARDSON, JOHN A

ART UNIT	PAPER NUMBER
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3641

DATE MAILED: 02/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/662,693

Applicant(s)

MCNULTY, JAMES F.

Examiner

John Richardson

Art Unit

3641

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-6,8,9,12 and 13 is/are rejected.
- 7) ☒ Claim(s) 3,7, 10 and 11 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Non Final Rejection

1). The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2). Claims 6, 8, 9,12 are rejected under 35 U.S.C. 102(b) as being anticipated by Meade (U.S.5,313,733).

The reference discloses a safety device for a pump-action shot gun (Figure 7), comprising a slide-arm / pump hand grip (item 82) arranged to expel spent cartridges and load new cartridges, a locking device (item 1) affixed to the said shot gun for selectively obstructing the motion of the said slide-arm / pump hand grip for preventing the firing of the said shot gun as illustrated in Figure 7, relating to claim 8, the reference discloses the said locking device (item 1) configured with arms / first and second portions (items 4,5) that reads on the cited claim, relating to claim 9, the reference discloses a locking detail (item 85) preventing motion of the said slide-arm / pump hand grip, and relating to claim 12 the reference discloses a key controlled swivel-arm action by means of the said lock shank detail (item 84).

3). Claims 1, 2, 4 to 6, 8, 9, 12, 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Lavergne (U.S.4,654,992).

The reference discloses a safety device (item 10) for a pump-action shot gun (Figures 1-6), comprising a slide-arm / pump hand grip (item 18) arranged to expel spent cartridges and load new cartridges, a magazine shaft (item 16), a locking device (see for example, item 48) integrally affixed to the said shot gun for selectively obstructing the motion of the said slide-arm / pump hand grip for preventing the firing of the said shot gun as illustrated in Figures 1-3, the said locking detail, item 48, arranged with a key-controlled swivel arm (items 64, 68), relating to claims 2, 4, the said swivel arm is located between the said slide arm / pump hand grip and the said magazine shaft and in particular to claim 4, it is the examiner's position that the location of the alternative embodiment for locking device, item 118, shown in Figures 7-9, prevents the operation of the slide-arm (item 96) that requires the initiation of a rearward movement before permitting the forward motion for the pumping-action to be completed as cited in the claim language, relating to claim 8, the reference discloses the said locking device (item 1) configured with leg / arm (item 46), relating to claims 5, 9, the reference discloses a locking detail (item 48) preventing motion of the said slide-arm / pump hand grip, and relating to claim 12 the reference discloses an alternative embodiment (item 118) for key controlled swivel-arm action as shown in Figures 7-9, and Column 4, lines 21-60, and relating to claim 13, the reference discloses the said swivel-arm (item 64) rotates laterally (Figures 1-3, slot item 24, and rotation direction C, Column 3, lines 46-55).

Art Unit: 3641

4). Claims 3, 7, 10, 11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

5). The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

6). Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Richardson whose telephone number is (703) 305 0764. The examiner can normally be reached on Monday to Thursday from 7.00 AM to 4.30 PM. The examiner can also be reached on alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Carone, can be reached on (703) 306 4198. The fax phone number for the organization where this application or proceeding is assigned is (703) 305 7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 1113.

John Richardson, PE,

February 05 2004.


MICHAEL J. CARONE
SUPERVISORY PATENT EXAMINER

Application/Control Number: 10/662,693
Art Unit: 3641

Page 5